

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

A.P.C.E.S – Sri D.Nagalinga Reddy, formerly Lecturer (Zoology), S.J.Government Degree College, Kurnool and presently working as Lecturer (Zoology), Government Degree College for Men, Ananthapur – Regularization of suspension period from 11-09-2006 to 24-08-2007 as 'duty' in terms of F.R 54-B (4) – Orders – Issued.

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HIGHER EDUCATION (CE-I-1) DEPARTMENT

G.O.Rt.No. 389

Dated 9<sup>th</sup> June, 2011

Read the following: -

1. Government Memo.No.11264/CE-I-1/2008-1, dated 28-08-2008.
2. From the C.C.E., Lr.Rc.No.2141/Ser-IV-3/2005, dated 20-08-2009.
3. Government Memo.No.11264/CE-I-1/2009-2, dated 24-10-2009.
4. From the C.C.E., Lr.Rc.No.2141/Ser-IV-3/2005,dated 06-03-2010.
5. Government Memo.No.11264/CE-I-1/2008-3, dated 29-11-2010.
6. From the C.C.E., A.P., Hyderabad, Lr.Rc.No.2141/Ser-IV-3/2005, dated 24-01-2011.

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ORDER: -

The Commissioner of Collegiate Education, A.P., Hyderabad, in his Letters 2<sup>nd</sup>, 4<sup>th</sup> and 6<sup>th</sup> read above has stated that Sri M.Naga Raju, Lecturer (Political Science) and the Principal (FAC), S.J.Govt.Degree College, Kurnool, has made a Complaint against Sri D.Nagalinga Reddy, Lecturer (Zoology) of the College, alleging that on 01-12-2005, when requested to bring the teaching notes and dairy for signature, he came angrily to his chambers and damaged the phone and the mirror on the table and scolded him [mention the caste] as 'Madigoda' and raised his hands to beat him. Consequently, the C.C.E in his Procdgs.dt.21-01-2006, has directed Sri D.Nagalinga Reddy, Lecturer (Zoology), to submit his explanation as to why suitable disciplinary action should not be taken against him in having behaved indecently with the Principal of the College. But these orders could not be served to him, as he absconded from duty w.e.f.03-12-2005. Subsequently, on a representation made by the individual on 18-09-2006, the C.C.E. vide his Procdgs. Dt.29-09-2006, have issued posting orders to him at GDC (M), Ananthapur, where he joined on 04-10-2006. Thereafter, the Sub-Divisional Police Officer, Kurnool, in his Lr. dt.29-09-2006 has informed the C.C.E., that a case was registered against the individual which was proved and he was arrested on 11-09-2006 and was in judicial custody from 11-09-2006 to 15-09-2006. The C.C.E., in his Procdgs. dt.08-01-2007, had placed the individual under suspension from the date of his detention respectively i.e. from 11-09-2006.

2. The Commissioner of Collegiate Education, A.P., Hyderabad, has also stated that since Sri D.Nagalinga Reddy, Lecturer (Zoology) in his explanation dt.12-03-2007, has denied the charges framed against him, the C.C.E vide Procdgs. Dt.21-06-2007 has appointed R.J.D.C.E., Kadapa, as Enquiry Officer. During the course of the enquiry, the two Officers i.e. Sri M.Naga Raju, Principal (FAC), S.J.G.D.C., Kurnool and Sri D.Nagalinga Reddy, Lecturer (Zoology) of the college, have contended that the occurrence of the conflict between themselves is fact, for which Sri D.Nagalinga Reddy, had made an apology to Sri M.Naga Raju. Conceding to the apology, Sri M.Naga Raju, the then Principal (FAC), had excused Sri D.Nagalinga Reddy on humanitarian grounds and appealed the authorities to excuse him. The Enquiry Officer, in his report has opined that the suspension of Sri D.Nagalinga Reddy, Lecturer (Zoology) for the last nine months itself might be treated as punishment given to him for his mistake. Considering the opinion expressed by the Enquiry Officer and the requisition made by Sri M.Naga Raju, Principal (FAC) of the college, the C.C.E vide his Procdgs. Dt. 21-08-2007 have reinstated Sri D.Nagalinga Reddy, Lecturer (Zoology) into service, subject to outcome of the Criminal Case pending before SC / ST Special Court, Kurnool and posted him at Government Degree College (M), Ananthapur, where he joined duty on 24-08-2007 A.N.

3. Subsequently, the Spl.Judge for SC / ST (POA) Act-Cum-VI Addl.District & Sessions Judge, Kurnool, in its order dt.25-03-2008 in SC/ST SC.No.76/2007 has acquitted Sri D.Nagalinga Reddy, Lecturer (Zoology) from the charge framed against him, as the prosecution failed to establish the guilt of the accused. The individual has requested to treat the period of suspension from 11-09-2006 to 24-08-2007 as duty period since he was acquitted from the charge filed against him by the Spl. Judge for SC / ST (POA) Act-Cum-VI Addl. Dist. & Sessions Judge, Kurnool, in its orders dated 25-03-2008.

4. Government observed that the C.C.E vide his Procdgs. Dt.08-01-2007 have issued orders, placing the individual under suspension w.e.f. 11-09-2006 i.e. from the date of detention in judicial custody as his detention exceeded 48 hours in judicial custody as envisaged in Clause (c) of sub-rule (1) of Rule (8) of A.P.Civil Services (CC&A) Rules, 1991. According to the clarificatory instructions on payment of consequential benefits i.e. back wages for the period of suspension in case of acquittal in court cases issued in Circular Memo.No.32419/838/FR-II/2003, Fin. (FR-II) Dept. dt.19-06-2004, the Accused Officers, who were placed under suspension on account of Criminal Proceedings are not entitled for back wages for the period they were not in service. However, they are entitled to back wages from the date of their acquittal by the court. The Enquiry Officer, has concluded that the suspension period of nine months shall be treated as the punishment given to the individual for his mistake. Further, the period of suspension in respect of the individual has arisen due to registering a case against the individual, and the court has acquitted him in that case and thus, it is felt that the period of suspension can be regularized as duty as per F.R 54-B (4).

5. In view of the circumstances stated above, Government after careful examination of the matter, hereby order that the suspension period from 11-09-2006 to 24-08-2007 in respect of Sri D.Nagalinga Reddy, formerly Lecturer (Zoology), S.J.Government Degree College, Kurnool and presently working as Lecturer (Zoology), Government Degree College for Men, Ananthapur be regularized as 'duty' in terms of F.R 54-B (4), since the period of suspension has arisen due to registering a case against the individual and also as the individual was acquitted from the charge filed against him by the Spl. Judge for SC / ST (POA) Act-Cum-VI Addl. Dist. & Sessions Judge, Kurnool, in its orders dated 25-03-2008.

6. This order issues with the concurrence of Finance (FR-II) Department, vide their U.O.No.No.8459/161/FR-II/2011, dated 21-04-2011.

7. The Commissioner of Collegiate Education, A.P., Hyderabad, shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R.BISWAL,  
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Commissioner of Collegiate Education, A.P., Hyderabad.

The Accountant General, A.P., Hyderabad.

Copy to:-

The Director of Treasuries & Accounts, A.P., Hyderabad.

The P.S. to Hon'ble Minister (HE & TE).

The P.S. to Principal Secretary to Government, Higher Education Department.

The General Secretary, Government College Gazetted Teachers' Association, Off: 21<sup>st</sup> Century Commercial Complex, 1<sup>st</sup> Floor, Nampally, Hyderabad – 500 001.

SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER